

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Jorge L. Acosta

Confirmation No. 8339

Application No. 10/825,444

Filed: April 14, 2004

For: **COMBINED DATA READER AND
ELECTRONIC ARTICLE
SURVEILLANCE (EAS) SYSTEM**

Group Art Unit: 2876

Examiner: Steve Paik

Attorney Docket No. 51306/805:1

INFORMATION DISCLOSURE STATEMENT

TO THE COMMISSIONER FOR PATENTS:

1. Pursuant to the duty of disclosure, documents listed on the accompanying Form PTO-1449 (or equivalent) are presented for the Examiner's consideration.
 - ☒ Copies of listed U.S. patents and U.S. patent application publications are not required for submission. (37 C.F.R. § 1.98(a)(2)(ii))
 - ☒ Copies of listed foreign patent documents and/or non-patent literature are enclosed. (37 C.F.R. § 1.98(a)(2))
 - ☐ Copies of the documents listed at (sheet/cite no.) _____ of the attached Form PTO-1449 (or equivalent) are omitted because (1) they are already of record in U.S. Patent Application No. _____, filed _____, on which this application relies for an earlier filing date under 35 U.S.C. § 120; and (2) any information disclosure statement filed in the prosecution of Application No. _____, complies with 37 CFR §§ 1.98(a) through (c). (37 C.F.R. § 1.98(d))
 - ☒ A copy of copending U.S. Patent Application No. 12/619,538 Friend et al., filed 11/16/2009, for "Integrated Data Reader and Electronic Article Surveillance (EAS) Systems", listed at (sheet/cite no.) C-6 of the attached Form PTO-1449 (or equivalent), ☐ is enclosed / ☒ is omitted. (Copy not required if available via IFW. 1287 OG 162 (Oct. 19, 2004).).
2. This information disclosure statement is being submitted (check box a., b., or c.):
 - a. ☐ Within three months of the filing date of a national application or entry of the national stage in an international application; or before the mailing of a first Office action on the merits; or before the mailing of a first Office action after the filing of a request for continued

examination under 37 CFR 1.114. (No statement under 37 CFR 1.97(e) is required.); or

- b. ☒ After the period set forth in paragraph 2a, but before the mailing date of either a final action, a notice of allowance, or an action that otherwise closes prosecution in the application. (Check box i. or ii.)
- i. ☒ The \$180.00 information disclosure statement submission fee set forth in 37 CFR 1.17(p) is paid herewith, or
- ii. ☐ A statement specified by 37 CFR 1.97(e) is set forth below; or
- c. ☐ After the mailing date of a final action or notice of allowance and on or before payment of the issue fee. A statement specified by 37 CFR 1.97(e) is set forth below. Enclosed is the \$180.00 information disclosure statement processing fee set forth in 37 CFR 1.17(p).

3. Fee Payment

- a. ☐ A check in the amount of \$_____ is enclosed.
- b. ☐ Payment by credit card.
- c. ☒ Please charge our Deposit Account No. 13-4953 in the amount of \$ 180.00.
- d. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required in connection with filing of these papers, or credit overpayment to Deposit Account No. 13-4953.

4. If a statement specified by 37 CFR 1.97(e) is required, the attorney or agent signing below hereby states that:

- ☐ each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
- ☐ no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement.

5. ☐ A concise explanation of the relevance of each document not in the English language and/or selected documents in the English language is set forth below.

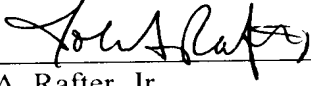
6. EXPLANATION OF DATES OF PUBLICATION

A portion of Form PTO-1449 is reproduced below with explanation on Items C-2 and C-3 as to the dates of publication.

C-1	Photographs of NCR 7880 Scanner-scale; manufacture date listed September 1996
C-2	NCR 7880 Scanner-scale User's Guide © 1997 (note: pg. 1-16 "Checkpoint" interface; pg. 1-18 "Checkpoint Upgrade"; pg. 3-7, 3-8 and 3-16 model designation for Checkpoint and installation instruction) **SINCE THIS DATE IS PRIOR TO THE 2/1/2002 EARLIEST PRIORITY DATE OF THE PRESENT APPLICATION, THE MONTH IS NOT NEEDED **
C-3	Brochure: Checkpoint Systems, Inc.; RF-based deactivation systems integrated into scanners and scanner-scales, brochure # TFS-007 © 1998 (two pages) **SINCE THIS DATE IS PRIOR TO THE 2/1/2002 EARLIEST PRIORITY DATE OF THE PRESENT APPLICATION, THE MONTH IS NOT NEEDED **
C-4	NCR 7875 Scanner/Scale Checkpoint: For Kit 7875-K203-V001 (Document # 497-0407861) indicated release date January 21, 1997; (pg. 5, 8, 9)
C-5	U.S. Application. No. 12/619,538 Friend et al., "Integrated Data Reader and Electronic Article Surveillance (EAS) Systems", filed 11/16/2009 (corresponds to 2010/0123005 cited above)

Respectfully submitted,


Dated: Nov 23, 2010

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